

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LULA WILLIAMS, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
v.	:	Civil Action No. 3:17-cv-461 (REP)
	:	
BIG PICTURE LOANS, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

LULA WILLIAMS, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
v.	:	Civil Action No. 3:19-mc-1 (REP)
	:	
BIG PICTURE LOANS, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

LULA WILLIAMS, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
v.	:	Civil Action No. 3:19-mc-2 (REP)
	:	
BIG PICTURE LOANS, LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

MEMORANDUM IN SUPPORT OF MOTION TO SEAL

Plaintiffs, by counsel, pursuant to Rule 5 of the Local Rules of the United States District Court for the Eastern District of Virginia, move to seal Exhibits 2-7 attached to their Memorandum in Support of their Motion to Compel Response to Subpoena Issued to Rosette, LLP, as well as

the portions of their memorandum that discuss or quote from those exhibits. (Dkt. Nos. 306-2-306-7).

To present necessary information in support of their statement of outstanding discovery disputes, Plaintiffs needed to file Exhibits 2-7, which contained documents or information designated as confidential in discovery. Generally, there is a First Amendment and common law qualified public right of access to judicial proceedings, including the records of all such proceedings. *Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 606–07 (1982); *Nixon v. Warner Comm’ns Inc.*, 435 U.S. 589, 597 (1978). Non-discovery motions are presumed to be records of judicial proceedings to which the right of access attaches unless there is a compelling confidentiality interest. *Id.* If the interest in preserving confidentiality is compelling, the remedy must be narrowly tailored. *Id.* The judicial officer may deny access when sealing is “essential to preserve higher values and is narrowly tailored to serve that interest.” *Baltimore Sun Co. v. Goetz*, 886 F.2d 60, 65–66 (4th Cir. 1989).

One exception to the public’s right of access is where such access to judicial records could provide a “source[] of business information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 498. Courts, including the Fourth Circuit, have recognized an exception to the public’s right of access when a case involves trade secrets. *Woven Elecs. Corp. v. Advance Grp., Inc.*, 930 F.2d 913 (4th Cir. 1991) (citing *Valley Broadcasting v. United States District Court*, 798 F.2d 1289, 1294 (9th Cir. 1986); *In re Iowa Freedom of Information Council*, 724 F.2d 658 (8th Cir. 1983); *Brown & Williamson Tobacco Co. v. FTC*, 710 F.2d 1165, 1180 (6th Cir. 1983)).

Here, Exhibits 2-7 are documents that Rosette designated as confidential under the protective order in the main *Williams* case because they allegedly contain trade secrets or other proprietary information. (*Williams*, 3:17-cv-461, Dkt. No. 19.) Plaintiffs do not believe the

information in any of these exhibits were properly designated as confidential, but nonetheless move to seal in accordance with the Protective Order in this case.

Respectfully submitted,
PLAINTIFFS

By: /s/

Kristi Cahoon Kelly, VSB #72791
Andrew J. Guzzo, VSB #82170
Casey S. Nash, VSB #84261
KELLY GUZZO, PLC
3925 Chain Bridge Road, Suite 202
Fairfax, VA 22030
Phone: 703-424-7572
Fax: 703-591-0167
Email: kkelly@kellyguzzo.com
Email: aguzzo@kellyguzzo.com
Email: casey@kellyguzzo.com
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2019, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/

Kristi Cahoon Kelly, Esq. (VSB #72791)

KELLY GUZZO, PLC

3925 Chain Bridge Road, Suite 202

Fairfax, VA 22030

Tel: 703-424-7572

Fax: 703-591-0167

Email: kkelly@kellyguzzo.com

Counsel for the Plaintiffs